

STATE LIBRARY OF PENNSYLVANIA



3 0144 00503022 6

STATE LIB.

OF PA.



Digitized by the Internet Archive  
in 2016

[https://archive.org/details/manualofbasictra00stat\\_0](https://archive.org/details/manualofbasictra00stat_0)

P4D 31 33. 17/2  
1951 no. 1









no. 1

Pennsylvania State Library  
DOCUMENT COLLECTION

Commonwealth of Pennsylvania

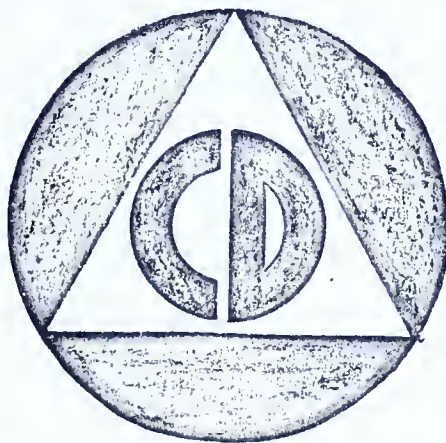


STATE COUNCIL OF CIVIL DEFENSE

MANUAL OF BASIC TRAINING

AUXILIARY POLICE

Pamphlet No. 1



Harrisburg, Pennsylvania  
1951

4.38.2-3





STATE COUNCIL OF CIVIL DEFENSE

STATE CAPITOL

HARRISBURG, PENNSYLVANIA

Hon. John S. Fine  
Governor, Ex Officio

Hon. T. A. Distler  
Chairman

Hon. H. G. Andrews  
Vice Chairman

Maj. Gen. Frank A. Weber  
Adjutant General

Hon. Weldon B. Heyburn  
Auditor General

Hon. Wm. S. Livengood  
Secretary of Internal Affairs

Hon. M. Harvey Taylor  
Pres., Pro Tempore of the Senate

Hon. Herbert P. Sorg  
Speaker of the House

Hon. Louis G. Feldmann  
Secretary

Senator John H. Dent  
Minority Leader

Emery F. Bacon  
United Steel Workers of America

Mrs. Katherine S. Carpenter  
Attorney at Law

Wm. J. Meinel  
Industrialist

Richard Gerstell  
Director

N. L. Wymard  
Deputy Director



## PREFACE

In the event of enemy attack upon the Commonwealth, Pennsylvania's regular law enforcement organizations would require the assistance of tens of thousands of auxiliary policemen trained for emergency service. The purpose of this manual is to serve as a guide to be used in schooling auxiliaries for duty.

It is recommended that the twenty-four units in this pamphlet be used as a text in a basic course covering a minimum of thirty-six hours of instruction.

It is considered vital and is therefore highly recommended that all auxiliary policemen qualify in the basic course in first aid, as offered by the American Red Cross. Qualified instructors for this phase of training may be procured from the local American Red Cross chapter.

The material comprising the manual was prepared by a special Manual Committee, working under the direction and guidance of Col. C. M. Wilhelm, Commissioner of the Pennsylvania State Police. The committee was composed of the following representatives of the Pennsylvania Chiefs of Police Association, the Sheriffs' Association of the Commonwealth of Pennsylvania, the Pennsylvania State Police and the Commonwealth's Department of Public Instruction:

Lt. Col. J. C. Mauk, Pennsylvania State Police (Chairman)  
Samuel Siegle, Exec. Dir., Pennsylvania Chiefs of Police Association  
Robert Sherrock, Sheriff, Luzerne County  
Jacob B. Bryerton, Sec.-Treas., Sheriffs' Association\*  
Fred W. Good, Inspector of Detectives, Pittsburgh, Pa.  
John G. Good, Chief of Police, Williamsport, Pa.  
Lawrence L. Kendig, Chief of Police, Plymouth, Pa.  
Vincent P. Kuberski, Chief of Police, Ridley Twp., Folsom, Pa.  
G. A. McLaughlin, Supt. of Police, Lower Merion Twp., Ardmore, Pa.  
Raymond Miller, Chief of Police, West Reading, Pa.  
Joseph Mock, Chief of Police, Larksville, Pa.  
Maurice A. Newfield, Chief Special Agent, Railway Express Company  
Frank A. Sweeney, Chief of Police, Jenkintown, Pa.  
Samuel J. Traher, Chief of Police, Lehigh Valley Coal Company  
James Wynd, Jr., Sheriff, Wyoming County  
Captain Harry E. McElroy, Pennsylvania State Police  
Captain Emmett J. Donovan, Pennsylvania State Police  
Lieutenant Donald A. Wagner, Pennsylvania State Police  
Harold W. Pierce, Advisor of Police Training, Dep't. Public Instruction

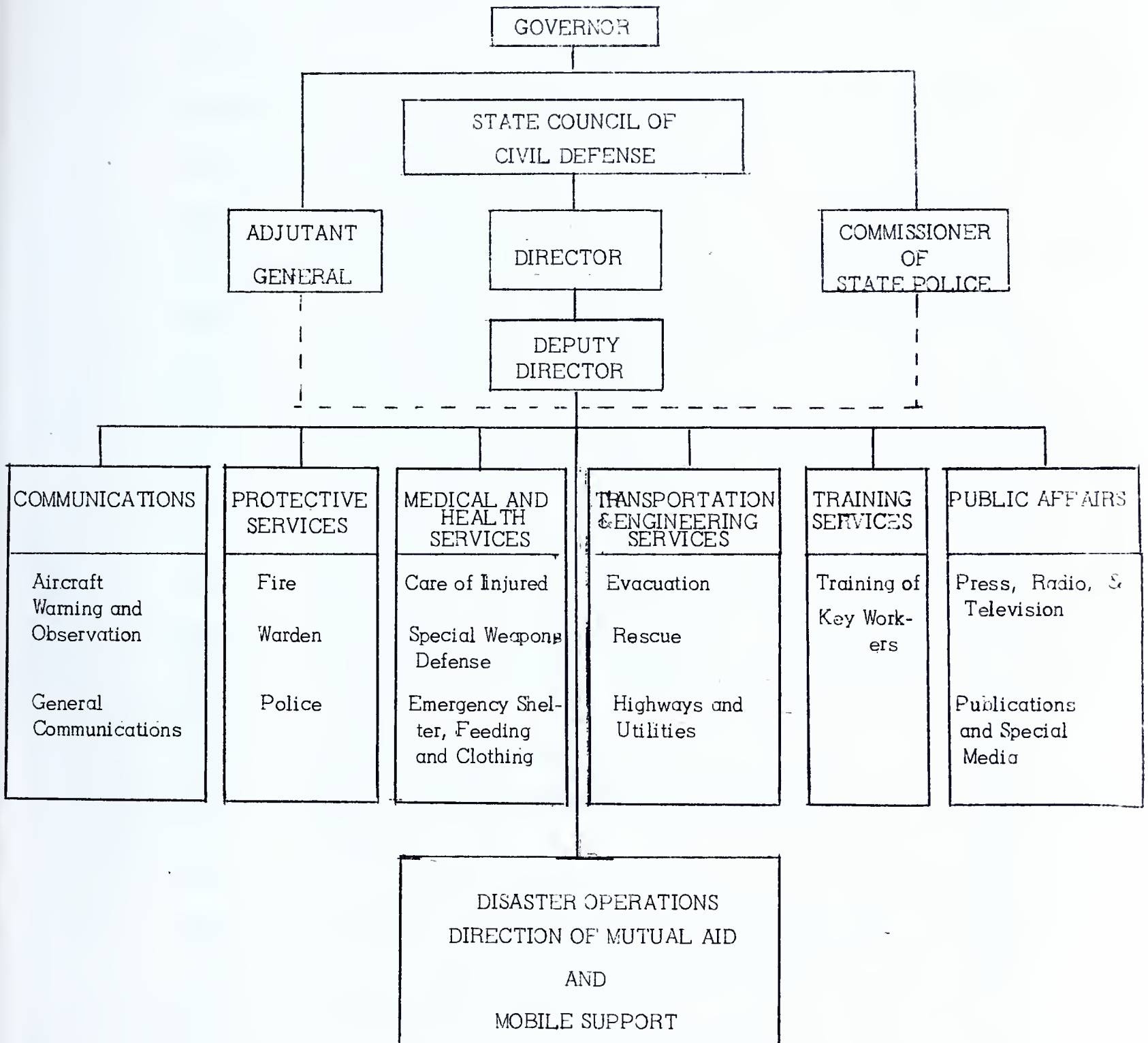
\*Deceased

To Col. Wilhelm, to Members of the Manual Committee and to the Department of Public Instruction, who aided in processing the manual, the State Council of Civil Defense expresses its sincere appreciation for their cooperation.

Richard Gerstell  
Director of Civil Defense



STATE COUNCIL OF CIVIL DEFENSE  
Functional Organization Chart







## CONTENTS

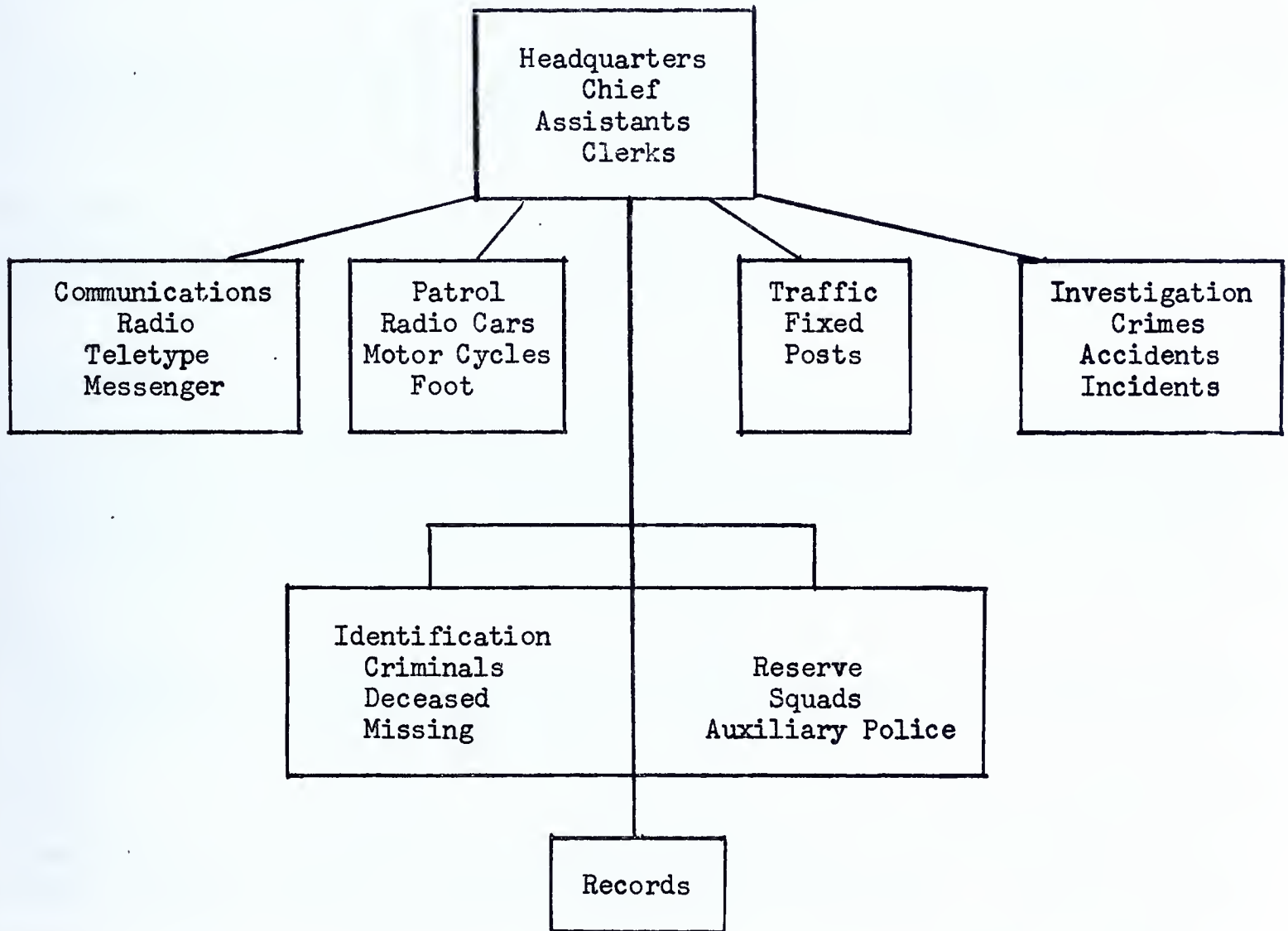
	Page
Foreword . . . . .	
State Council of Civil Defense . . . . .	
Functional Organization Chart . . . . .	
Unit 1 Police Organization . . . . .	1
Unit 2 Auxiliary Police . . . . .	3
Unit 3 Civil Government . . . . .	5
Unit 4 The Government and its Police Powers . . . . .	7
Unit 5 Crimes - General . . . . .	10
Unit 6 Elements of Crimes - Malice . . . . .	12
Unit 7 Elements of Crimes - Public Disorders . . . . .	13
Unit 8 Elements of Crimes - Trespass . . . . .	14
Unit 9 Elements of Crimes - Avarice . . . . .	15
Unit 10 Elements of Crimes - Lust . . . . .	16
Unit 11 Elements of Crimes - Analysis of Crimes . . . . .	17
Unit 12 Prosecution and Arrest Procedure . . . . .	18
Unit 13 Prosecution and Arrest Procedure . . . . .	21
Unit 14 Evidence . . . . .	24
Unit 15 Observation and Patrol . . . . .	26
Unit 16 Reporting and Presentation of Testimony . . . . .	28
Unit 17 Directing Traffic . . . . .	29
Unit 18 The Pennsylvania Motor Code . . . . .	30
Unit 19 Regulation of Vehicular and Pedestrian Traffic . . . . .	31
Unit 20 Traffic Direction During War Emergencies . . . . .	36
Unit 21 Relations with the Public . . . . .	39
Unit 22 Relations with the Public . . . . .	41
Unit 23 Subversive Activities . . . . .	44
Unit 24 The Place of Self-Defense Methods in Police Work . . . . .	45



POLICE ORGANIZATION

The organization of the Auxiliary police should be along the same lines as that of the regular police department.

The main divisions of the police force are the Headquarters staff, Communications, Patrol, Traffic, Investigations, Identifications, and Records. A reserve pool of officers should always be present.

**HEADQUARTERS**

The headquarters consists of the Chief of Police and his assistants. There are usually Captains or Lieutenants to supervise the work of each 8-hour shift. The headquarters supervises the work of the various divisions.

During air raids the headquarters will act directly under the supervision of the Control Center in performing the additional air raid duties.

The headquarters should make provision for relief of fatigued workers, feeding and housing the officers who must remain on reserve or on duty.

**COMMUNICATIONS DIVISION**

The functions of the Communications Division are to keep in touch with the units in the field and deliver and receive instructions to and from them.

This is accomplished by radio, teletype, telephone or messenger service.



## PATROL

The functions of the Patrol are to move about through a given area, and search for violations of law, for hazards, and for incidents. They also direct traffic when necessary.

The Patrol is usually moving, but for some situations it may be fixed in one spot.

## TRAFFIC

Traffic posts are usually at some fixed position, strategically located to render most assistance to traffic flow. Traffic supervision is divided into two functions: the direction of moving traffic and enforcement of the Motor Vehicle Code.

## INVESTIGATION

The duty of the Investigation Unit is to investigate crimes, accidents and incidents.

## IDENTIFICATION

The function of the Identification Division is to secure fingerprints, descriptions, or other means of identification of persons. The purpose is to identify them when they have committed a crime, are missing, are deceased, or for any other purpose. Its purpose, also, is to identify those not previously known when they are discovered in crime, are missing or are deceased.

## RECORDS

The function of the Records Division is to keep an account and preserve records of the activities of the police department.

## RESERVES

Reserves are officers kept at the police headquarters ready to be sent to locations where they are needed. A reserve squad should be on hand.

## AUXILIARY POLICE

The Auxiliary Police should be organized and assigned to duties in one of the functional divisions of the Police Department. The regular police officers should be their superiors in the chain of command.

NOTE: The instructor should supplement this unit with specific information regarding the organization, system of communications, and reporting procedures of the local police department, and the relationship of the auxiliary police to the regular police department.





AUXILIARY POLICE

The duty of the police during an air raid or other emergency is primarily to continue the functions of enforcement of criminal laws. The Wardens and other services in the defense corps have the duty of spotting and abating air raid damages. The police functions may parallel the Warden Services and other branches of Civil Defense, but neither supersedes the other in its own field. The other services definitely could not operate efficiently without the cooperation of the police services.

The auxiliary police, who are organized primarily to act as a part of the Citizens' Defense Corps, will assist and augment the regular police in their functions of enforcement of law, both existing law and emergency orders. Auxiliary police will receive their assignments from the regular police organization they were trained to assist. The regular police have the responsibility of organization and control.

THERE ARE NO CHANGES IN LAW BECAUSE OF AN EMERGENCY

The same basic fundamentals of law are still in force. The same criminal code applies, unless martial law is invoked. However, police enforcement of law must be speeded to meet the emergency demands.

During air raids or any emergency, it is to be expected that normal criminal activities will increase. The conditions caused by any emergencies create situations that develop malice, avarice, lust and other basic criminal motives. There are increased opportunities to commit crime without surveillance. Sabotage may be attempted and is covered by existing criminal laws. Police duties will multiply before the alert and immediately after the all-clear signal, when traffic is suddenly resumed, normal activity begins to be resumed, and people returning to their work or homes find upsetting conditions caused by the raid. For this reason the auxiliary police need to know the police problems which will be the bulk of their work.

Training, before the emergency, prepares for the day when it is suddenly needed. This training, to be of value, must prepare for the things that are likely to happen - those things that can reasonably be predicted. In the present defense emergency it is reasonable to prepare for an air raid. Plans should also be made for other types of emergencies such as train wrecks, explosions, riots, sabotage, epidemics, as these are more likely to occur when the national defense effort is intensified.

In the din and confusion of any emergency, it is difficult to organize and plan. If emergency plans are made beforehand and the police are informed and trained in executing them, there will be less confusion. If there are no plans or drill in advance, there may be chaos.

Trained and experienced police have already been accustomed to handling in peace time many of the conditions that arise in war or emergency. Accidents, murders, fights, riots, fires, floods, wrecks, cave-ins, slides, explosions already have been encountered. In war or other emergency these things occur more frequently and on a larger scale. The auxiliary policemen can rely on the experience and training of the regular officers.

The local police departments, who know local conditions, should arrange their own program, coordinated with the State and Federal programs. Most duties can be foreseen and training applied to meet the demands. Training should fit the officer to operate automatically in times of high stress under chaotic conditions. This allows the mind freedom to handle the ever-occurring unpredictable problems that cannot be foreseen and





for which no training has been applied. In training for emergencies, it is wise to simulate emergency conditions and insert situations that distract from the regular procedure. This will accustom them to distractions and to breakdowns of actual emergency conditions.

The main or regular force is the nucleus, with auxiliary police supplementing it when needed. Some auxiliary police will be experienced and can take the place of regular men. Inexperienced individuals should be placed with an experienced group whenever possible.

The police force must expect losses from its personnel. Losses will occur from death, injury, sickness, desertions, misunderstandings, conflicts in orders and duties. For example while enroute to a designated post the policeman may encounter a situation which demands immediate police attention causing him to be late in reporting to his assigned post. Many other unexplainable things may occur. Another drain will be the demands made by other agencies for police assistance. The police, being a professional body, will have to assist the volunteer or non-professional bodies whose training is slight and losses are great. Unfortunately these volunteer bodies in any emergency demand the maximum for themselves and often have the ear of the executive body controlling the police. Policemen are detailed to these other agencies and are a direct loss to the police force. These losses will occur often at critical periods. Seldom will any organization be able to use its maximum personnel or the benefit of its training at the outset of an emergency because of these losses. Proper training may enable an auxiliary to fill the place of the casualty.

#### NORMAL CRIMINAL ACTIVITIES

The United States each year pays an enormous crime bill. To this can be added the cost of certain types of crime more prevalent during periods of maladjustment and instability, such as before, during, and after war. The elimination of some of this high expense would pay much of the extra cost of defense.

There is a moral let-down in war times because many people are transported away from their normal home restraints. The normal deterrent of being known in the community is removed; the bars are lowered, making a fertile field for crimes, especially crimes of vice. The criminal element will seize the opportunities caused by this let-down to increase the tempo of their activities, especially if there is any slackening of police authority.

Crime is an ally of the enemy and is a particularly vicious form of sniping from the rear. The police must increase their efforts to combat these normal crimes which have nothing to do with subversion as well as those subversive cases which seek to undermine or overthrow the government.

Venereal diseases and other vice conditions in years gone by have caused more casualties than enemy action. The military command will insist that the areas in the vicinity of the cantonments be clean. In the present defense program, troops will move more than in the past. The military police may regulate cantonment areas, but the civil police have the job of regulating the areas through which troops occasionally pass, clean up the bawdy houses and other vice-resorts, etc. No police officer wants to feel that the armed forces' efficiency has been lowered because in his town some soldier was a casualty because of venereal disease, drunkenness, gambling, or any other vice or crime. Remember the military prisoner is a drag on the armed forces.



## Unit 3

### CIVIL GOVERNMENT

A study of the sections of the United States and Pennsylvania Constitutions that apply particularly to police work and a study of the structure of government:

#### GOVERNMENTAL STRUCTURE

##### Divisions of Government

Unit	Legislative (Makes the Laws)	Executive (Enforces the Laws)	Judicial (Interprets the laws and tries cases)
Nation	Congress	President	Supreme Court
State	General Assembly	Governor	Supreme Court
County		Sheriff	District or County Court
City	Council	Mayor	Minor Judiciary a. Magistrates b. Aldermen c. Police Courts
Borough	Council	Burgess	Minor Judiciary Justices of the Peace
Township		Township Commissioners	Minor Judiciary Justices of the Peace

#### THE CONSTITUTIONS OF THE UNITED STATES AND OF PENNSYLVANIA

1. The Constitutions provide the general framework and structure of government.
2. Civil rights provided that pertain to police work -
  - a. Freedom of religious practice
  - b. Freedom of speech and of the press
  - c. Freedom of assembly and the right of petition
  - d. Freedom from unreasonable search and seizure -  
(Must be based on probable cause. There can be no exploratory search based on malicious reasons, or for retaliation or to cause a nuisance, etc.)
  - e. Right to bear arms -  
(To protect the citizens from illegal acts of its own citizens or its own government)
  - f. Freedom from deprivation without due process of law  
(This eliminates private punishment by police or citizens)





- g. Freedom from self-incrimination
- h. Freedom from unknown and unseen accusers and accusations  
(Forces the accusers to present their charges in open court in front of the accused, so that he may answer the accusations and defend himself.)
- i. Right to bail and to the use of the writ of habeas corpus
- j. Right to compel appearance of favorable witnesses and to retain counsel
- k. Right to a speedy trial by an impartial jury  
(The policeman fulfills his obligation in this respect when he has taken the accused to the minor judiciary and the court machinery has been set in motion. From then on, it is entirely in the hands of the judicial department.)
- l. Freedom from excessive bail and fines, cruel and unusual punishment
  - (1) A matter entirely for the courts to decide
  - (2) The police have no power of punishment and any punishment inflicted by the police is an invasion of judicial authority and unlawful
- m. Freedom from double jeopardy for the same offense



THE GOVERNMENT AND ITS POLICE POWERS

The Police Power is the authority of government to protect the health, safety, comfort and welfare of its people by legislation. It does not properly refer to the authority bestowed upon a policeman, although criminal law enforcement is an expression of police power.

It is the power within the government to protect itself and all its people, and for this purpose to hold government free from any limitations. The police power of the Government, therefore, may transcend the Constitution, although it is constantly held in leash by the Constitution. That is to say, the exercise of the police power of the Government may violate one constitutional safeguard of an individual only so far as it may be necessary to accomplish the purpose of protecting the health, safety, comfort, welfare, good order, peace, convenience and morals of all the people. Thus it may, when necessary, cut across an individual's interpretation of constitutional rights, but only to eliminate a public evil or to achieve a public good.

The police power of the Government is exercised first by the Legislature. The carrying out of the power is usually left to the administrative officers and commission. In the final analysis, the courts decide whether the occasion exists for infringing any constitutional right.

In normal times this is accomplished by statutory and common law (due process of law) and procedure. Citizens are protected in their affairs by a maximum of civil rights. Police authority is limited to a minimum, and the slower, more cumbersome methods can be used to insure a great degree of justice.

In emergencies this may be changed. The normal procedure may be inadequate to cope with the dangers. The government, under its police powers, has the right to act more swiftly, and the maximum of privilege must be reduced to meet the demands of the occasion. The representatives of the government who are on the scene take charge and make regulations to control and isolate the dangers of the emergency. Police authority is temporarily raised to a maximum. In times of great danger the executive authority may even encroach upon legislative and judicial authority to meet the demands of the occasion.

The emergencies to which this applies are such things as war followed by invasions; enemy raids by air, sea or land; fires, floods, explosions or any other disaster when the public safety and welfare are endangered by dangers difficult to foresee, overcome or control by existing law procedure. The dangers must be met and overcome in order to minimize the effect of the disaster. Such disasters usually occur suddenly, and the emergency measures to afford relief must be equally swift or they will be ineffectual. The normal government agencies may be destroyed, curtailed or unable to function well because of the suddenness and the enormous task imposed by the emergency. Government, therefore, must be speeded to high gear.

Police power of Government in emergencies is wielded by the regular branches of government. The legislative branch, if able, makes the laws and ordinances for the emergency. The executive branch enforces the laws by executive order, and the judicial branch by court orders, injunctions, etc. The bulk of the initial work will fall upon the executive branch of government. The executive branch makes temporary regulations for the occasion, which are superseded by the legislative and judicial branches later when there is time for them to function.





The President of the United States, the Governor of a State, Mayor of a city, Burgess of a Borough, or any other officer having executive power to enforce the law, who has previously been elected or appointed to fill the office, are the executives bound to act in emergencies; in a sense their authority increases in stature. It is best that an elected executive declare a period of emergency, such as a quarantine, when the situation is recognized as serious by a governing body. This gives the police authorities and citizenry better recognition of the emergency and aids the police in defining their rights and duties.

The police force is the outpost of the executive branch of government, habitually recognized by the citizenry and probably the first to be in a position to act. When the executive branch of government recognizes an emergency as existing, the duties of the police are increased to meet the demands. There are times when an emergency arises so suddenly that the executive branch cannot be fully informed and has no time to act. The police then exercise executive authority because they are on the spot, the first to be aware of the emergency, and the first governmental body capable of using authority. This authority passes with the emergency.

Such police power of the Government may sometimes rest upon an individual police officer at the scene. He exercises executive police power of the Government until he is superseded by a higher police authority, the executive authority of town, or township, borough, city, county, state, or nation, and later, by the legislative and judicial authorities, or until the situation returns to normal.

The exercise of emergency police power of the Government means that the police officer or executive has the right to demand greater obedience from the citizenry than he would have normally. No more force may be used to accomplish the purpose than necessary. The motivation of such exercise of police power must be only to protect the health, welfare and safety of the people. If such power is assumed because of malice, avarice, lust, to show authority, or any other motive, it is illegal.

The extent to which police authority is extended depends upon the requirements of the danger at hand and in extreme cases it should be determined by the chief officers of the regular force.

The period requiring the use of emergency police power is in effect only until the legislative, executive and judicial branches of government can act to handle the emergency, or the emergency passes. A period of readjustment follows, depending upon the scope of the disaster.

#### DUTIES OF ORGANIZED POLICE FORCES

The police are mainly a part of the executive branch of government. They have no authority in the legislative and judicial branches except as they are ordered by those branches. The organized police forces are the bodies recognized by due process of law to cope with offenses against the law, make arrests and bring the offender to court for trial. The duties of organized police are to patrol, to prevent crime to arrest offenders, to control traffic, to investigate crime and accidents, and to take charge in emergencies and enforce the police power of the Government. They have





authority to enforce the criminal law and the rules and regulations of the State Council of Civil Defense. By criminal law is meant those laws which carry a punishment by the government. The police force should refrain from enforcing purely civil law.

Police forces that may have temporary authority are posses or other groups, organized with the intent to enforce the existing law by due process of law, when regular government agencies are inadequate. Auxiliary police, organized in advance, have the full powers of peace officers in the enforcement of the rules and regulations as promulgated by the State Council of Civil Defense.

#### POLICE INVESTIGATIVE AUTHORITY

The police are limited to the rules of conversation when asking for information, even during emergencies. They do not have inquisitorial powers or, in other words, the right to ask a question and force an answer. They cannot compel attendance at a police investigation, or force a person to testify, even if he is not accused. There is no punishment that the police can inflict upon a person who refuses to answer.

The police have the right to enter any property or place to investigate, unless barred by the owner or where it would be a violation of civil rights. If force is used against an individual or to enter property, the police officer must be armed with the legal authority conferred by the courts or by due process of law. His authority increases when a crime is witnessed, or when armed with the proper legal documents, such as a warrant of arrest, search warrant, etc.

Some governmental bodies have inquisitorial powers, of which the Grand Jury is the most powerful. Witnesses can be compelled to testify to the truth, and they may be punished for refusing to answer. A legislative body, or any duly authorized court, with the authority to subpoena or compel attendance, has inquisitorial powers.

In no case can the accused be forced to testify against himself.



CRIMES

MOTIVE

Motive can be defined as the compelling force that causes most crimes to be committed. Most crimes can be grouped under three general motives - malice, avarice and lust. Another cause, not a motive, is negligence. The motive for a crime is inferred from facts in the evidence.

The study of crime definitions is divided in this manner: a crime whose motive is malice is one where bodily injuries or death results or some material thing is injured or destroyed; crimes of avarice are those of stealing, either directly, or indirectly by fraud; crimes of lust are those crimes arising from the desire for either normal or abnormal sex relations. Avarice, malice and lust are based on mental processes, but lust, in addition, is organic and aroused by normal or abnormal functions of the reproductive organs. Lust differs from malice and avarice also, in that it is a search for pleasure.

Negligence is a cause of crime, but cannot be classed as a motive, for a motive involves some intent to commit a crime, whereas crimes of negligence are unintentional and often accidental. In most crimes of negligence, however, a statute law must cover the negligent act to make it a crime, unless the negligence was so gross that it may have been malicious. Negligence is usually found in summary regulatory statutes, such as the Motor Vehicle Code.

There are other subordinate motives which apply to each specific crime, such as revenge, jealousy, covetousness, fear and recklessness, which may cause the general motive of avarice, malice or lust to emerge. Then any motive may also be a subordinate motive; for example, malice may be caused by avarice or lust. There are many types of motives. There are also many combinations of motives.

A knowledge of the motive aids in determining the procedure of investigation.

ELEMENTS OF A CRIME

Elements of a crime are those parts or units which together form the crime. They are the facts, the things done or said, that are part and parcel of the crime. An element is a single unit in the structure of the crime. Proof that the elements of a crime exist establishes the Corpus Delicti.

Crimes are divided into several elements. One element of assault and battery is a bodily injury to some person. Proving only that a bodily injury was suffered does not prove assault and battery. Other elements, such as malice and intent to injure, must be proved, together with that of bodily injury, to form the complete structure.

It is necessary that a law-enforcing officer know the elements of a crime, for he must offer evidence to show that these elements exist in each crime. During an investigation, the officer suspecting that a crime has been committed should enumerate the various elements of that crime. The next step is to support each element by evidence. When the evidence proves that most of the elements exist, a prosecution should result, if the responsible human being is known. If





the evidence does not support the fact that the elements of a crime are violated, no prosecution should begin.

## INTENT

Intent to commit the crime must be established as an element of the crime. Intent is inferred from the fact; in other words, what the defendant said or did can be used to infer that the crime was intended or not intended. The evidence of intent is best found in the facts prior to or during the commission of the crime. The defendant, to escape the consequences after discovery or arrest, often offers alibis or explanations which may not be the true intent before the commission. If intent is not established or inferred, no crime is committed, unless the act is covered by a statute which makes negligence an offense at law. The degree of intent may govern the seriousness and responsibility of the crime. Many times the intent is not clearly formed, even in the mind of the offender, but the mere fact that he committed or attempted to commit the offense is sufficient to infer that he intended to do it, if mentally responsible.

## ATTEMPT

Evidence must be found to prove that there was at least an attempt to commit the crime. Some attempts to commit certain crimes, such as Attempt with Intent to Kill, are made crimes by statute, while, in others, the unsuccessful attempt is charged as though the crime were completed. However, one basic element of a crime, except crimes caused by negligence, is that the crime must be attempted. A crime may be well planned but no attempt made to execute it; hence, it is no crime. The planning of the crime may be the crime of conspiracy, but conspiracy is attempted to completed when the plotting or planning to commit some other crime begins.

## THE MEANS TO COMMIT A CRIME

Evidence must support the fact that the accused had the means to commit the crime, that is, the mental and physical ability and the equipment that is needed to attempt the criminal act. For example, in committing murder the instruments of death are the means.



ELEMENTS OF CRIME

This is a chart showing steps of elements of crime of force with malice as a motive, which starts from the simple crime of assault and progresses to murder. Probably not all of the elements are given, but they are sufficient to show how crimes progress through various stages. The crime may have all the elements in the steps below, but none in the steps above.

Murder in the first degree	Felony	Malice aforethought. Planned killings, or while committing certain felonies.
Murder in the second degree	Felony	Feloniously and maliciously killing, without specific intent to take life.
Voluntary Manslaughter	Felony	In heat of passion doing an unlawful act. The death is a by-product.
Involuntary Manslaughter	Misdemeanor	Negligence - death results. Malice and intent eliminated.
Assault with intent to kill	Felony	Bodily injury dangerous to life
Attempt with intent to kill	Felony	Intent to kill - inferred from facts. Attempt to kill, but unsuccessful
Mayhem	Felony	Depriving a person of a part of the body, crippling, maiming, disfiguring
Assault with intent to maim	Felony	Attempt to injure with intent to incur a serious physical injury
Aggravated Assault and Battery	Misdemeanor	Grievous bodily injury
Assault and Battery	Misdemeanor	Attempt to injure is successful. Bodily injury, however slight
Assault	Misdemeanor	Malice Intent to injure - inferred from the facts. Attempt to injure, which is unsuccessful. Victim within reach. The means.





ELEMENTS OF CRIMES

This is a chart showing how Public Disorder grows from petty crimes to very serious. Not all the elements, probably, are shown, but enough to give understanding. The elements of the less serious crimes are also found as the basis of the more serious crimes. These crimes may have all of the elements or only a part of the elements in the steps below them, but they have none of the elements above them.

Treason	Felony	Making war against the U.S. or Pennsylvania. Adhering to the enemy of the U.S.
Sedition	Felony	Demonstration of violence against the U.S. or Pennsylvania government.
Riot	Misdemeanor	Forcibly and violently executing the common purpose
Rout	Misdemeanor	A motion to execute the unlawful purpose
Inciting to Riot	Misdemeanor	Urging, encouraging, advising other to riot.
Unlawful Assembly	Misdemeanor	Three or more persons meeting without legal authority, to the disturbance of the public peace, with intent to cooperate in the execution of some unlawful enterprise.
Disturbing Public Assemblies	Misdemeanor	Wilfully and maliciously disturbing or interrupting any meeting.
Affray	Misdemeanor	Fighting of two or more persons in a public place to the terror of the people.
Keeping a Disorderly House	Misdemeanor	Continued disorderly conduct in a home, to encouragement of idleness, drinking, Misbehavior. A common nuisance and disturbance.
Disorderly Conduct	Summary	Loud, boisterous or unseemly noises, to the disturbance of the public peace.
Blasphemy	Summary	Malice) Intent) - inferred from the facts. Profane cursing by the name of God, Christ Jesus, or the Holy Ghost. The means to commit a crime.





Unit 8

ELEMENTS OF CRIME

This is a chart showing steps of crime from simple Trespass to Burglary.

Burglary	Felony	Entering a building with intent to commit a felony therein. There may be temporary possession of property.
Forcible Detainer	Misdemeanor	Keeping possession of lands or buildings, even if obtained peacefully or legally.
Forcible Entry	Misdemeanor	Taking possession of lands or buildings, by force, violence, threats and a strong hand.
Trespass	Summary or Civil	Malice, Avarice, Lust, )inferred if intentional )from the Negligence, if un- )facts intentional. The Means. Entering or remaining on private property, against the will of the owner, without consent or approval of the owner.

This is a chart showing steps of crimes of malice from Malicious Mischief to Murder.

Murder	Felony	A life is lost as a result. The death is a by-product during the commission felony.
Arson	Felony	Fire is used to destroy property.
Felonious Use of Explosives	Felony	Explosives are used to injure or destroy property.
Malicious mischief	Summary Misdemeanor Felony	Injuring or destroying the property of another. Intent Malice The means



ELEMENTS OF CRIMES

This is a chart of steps of Crimes of Stealing, the motive being avarice. The elements of the less serious crimes are found in the more serious crimes. The crime of kidnapping may have all or only a part of the elements in the steps below. All crimes may have the elements of the crimes below, but have none of the elements of the steps above.

Receiving stolen property	Felony	Having possession of stolen property, knowing it is stolen.
Kidnapping	Felony	Stealing a human being. Lust and malice may enter
Robbery	Felony	Force. From the person or presence. Malice may enter.
Blackmail	Felony	Accusation of crime, threats, demands, etc., demanding money or goods.
Extortion	Felony	A public officer taking a reward or fee to do his duty, except as allowed by law. By color or office a fee or reward not allowed by law.
Forgery	Felony	Falsely making or altering a signature with intent to defraud. May have an element of legality.
Cheating by Fraudulent Pretenses	Felony	Obtaining a signature, with intent to defraud the signer.
Embezzlement	Felony	Money or goods that pass ) through the hands by )-Taking is reason of employment ) eliminated
Larceny by Bailee	Felony	Goods entrusted to one's care, converting to one's own use.
Larceny by Employee	Felony	An employee receiving goods or money for the employer and appropriates to his own use before the employer has obtained possession
Larceny	Felony	Felonious taking and carrying away the personal goods of another. Converting to one's own use. The means to commit a crime Means. ) Intent ) - inferred from the facts. Avarice )





ELEMENTS OF CRIMES

This is a chart of steps in Crimes of Sex, the motive being lust. The crimes where avarice is a motive are not mentioned. Not all the known elements are shown, but enough is shown to understand the entire field reasonably well. The elements of the more serious crimes are also found in the less serious crimes. The crime of murder may have all the elements of the crimes in the steps below. All crimes may have all the elements in the steps below, but none of the steps above.

Murder	Felony	Killing to satisfy a perverted sex desire, or while in commission of rape, sodomy, etc.
Assaults	Felony	Attacks upon another to satisfy a perverted sex desire.
Arson	Felony	Setting a fire to satisfy a perverted sex desire.
Rape		Successful attempt to rape. Actual penetration.
Assault and Battery with intent to ravish	Felony	Force. Lack of consent by victim. Unsuccessful attempt to rape against the female's will.
Sodomy	Felony	Contrary to nature. Sex perversions.
Seduction of female under twenty-one	Misdemeanor	Woman of good repute, promise of marriage, the promise substantiated. Woman must be under twenty-one
Incest	Felony	With relations closer than first cousins.
Concealing the death of a bastard child	Misdemeanor	The child dies, either before or after birth. Natural death or unnatural death.
Fornication and Bastardy	Misdemeanor	A child is conceived.
Adultery	Misdemeanor	Married person
Fornication	Misdemeanor	Lust ) Intent ) - inferred from the facts Consent ) Sexual intercourse Unmarried person



ELEMENTS OF CRIMES

This is a review of the elements of all crimes taught in Units Nos. 6, 7, 8, 9, and 10.

The purpose of this lesson is to furnish practice in analyzing the elements of crime before a prosecution begins. The only way to decide if a crime is committed is to know the elements of each crime, then to use the facts that are known concerning the crime to determine if the elements are present. Proving that a crime was committed, i.e., the Corpus Delicti, is the first step in prosecution. For example: the facts surrounding an alleged assault and battery are: A and B were walking together. A spoke about B's sister in a manner that angered B. B angrily demanded an apology or he would punch A in the face. A laughed at him. B hit A in the face. These facts are analyzed. The facts are that B did hit A in the face. Malice is inferred from the fact that B was angry, and they were together and within reach.





PROSECUTION AND ARREST PROCEDURE**PROSECUTION**

Prosecution means to charge a person with a crime formally in a criminal court by due course of law and attempt to prove that the accused person is guilty. It means that some person using the machinery set up by the government (due process of law) points the finger at another person and accuses that individual of guilt. A prosecutor is a complaining witness who instigates a prosecution in the name of the government.

A wrong is reported. The police investigation reveals evidence of intent (motive) and the elements of a crime. The person responsible must be known and can be connected, by evidence, with the crime. The evidence should be enough to prove a prima-facie case, probable guilt. This does not mean that guilt must be definitely proven before prosecution begins. Guilt is only established by the court on a plea of guilty, or the courts decide the defendant is guilty. There should be no prosecution until the evidence can be thoroughly weighed, the elements of the crime proven and a connection shown with the responsible human being.

The prosecution must be made on the charge that fits the evidence. The evidence cannot be shifted to suit conveniences, nor can there legally be a general charge to cover all situations. For example, "Disorderly Conduct" cannot be used as a charge unless the evidence shows the elements of Disorderly Conduct are present.

**ARREST**

Arrest means to deprive a person of his freedom of action by due process of law to answer an accusation by the government. It is a restraint on the liberty of the accused until the accusation had been settled satisfactorily by the government. The arrest is complete when the accused submits to the arrest.

If an auxiliary policeman sees a crime committed, he immediately reports it to the proper authorities for complete investigation. He may make the preliminary investigation that is required, concentrating on the preservation of the evidence and arrest of the perpetrator if he is still in the community.

**CLASSES OF ARREST**

Arrests are of three classes: (1) those made on warrant; (2) those made on view, and (3) those made on suspicion of a felony. For those made on a warrant, a complaint is made, a warrant of arrest is issued, and finally, the actual arrest takes place. For those on view or on suspicion of a felony, the procedure is partially reversed. The arrest comes first. Then follow the Complaint and the Warrant.

**POLICE AUTHORITY IN ARRESTS****1. Use of Force.**

An officer is allowed enough force to overcome the force used by the defendant. When the force used by the defendant is overcome, the force used by the officer must also cease. It is assumed that when the violence ceases, it will not be resumed. The offender's life cannot be taken unless the resistance is dangerous to the officer's life or the lives of others.





A good rule is not to use force in arresting unless the defendant uses force or cannot be taken without force. Every officer should know simple methods of overcoming force and should not resort to the club, blackjack or gun except as a last desperate measure. He should not contribute to the prisoner's use of force by remarks or gestures that inflame, or by not announcing his official position. Persons have resisted arrest not knowing the arrestor to be an officer. The police officer may be forced to prove in court that his use of force was necessary. Handcuffs are permitted when necessary, in the discretion of the officer. Supporting a drunken man or leading a person by the arm need not be considered force.

The police are not a punishing or a correctional agency. The use of force is limited to the point where active resistance to arrest is encountered, or in defense of self or another person. The police function is that of investigation and apprehension. Punishment and correction are entirely judicial functions.

## 2. Arrest by Private Citizens.

The auxiliary policeman is a private citizen until commissioned or deputized. Even though commissioned, he is not on duty until called by his police officials. A private citizen may arrest with warrant if the warrant is directed to him. He may arrest for felony or reasonable suspicion of a felony without warrant, but must prove that an actual felony was committed. He may assist an officer by detaining a person and turning him over to the officer. He had the right to arrest for Breach of the Peace only on view. In most cases this means detention until the arrival of officers. Citizens may organize on their own authority to suppress a riot. There is little chance of blame being attached to a citizen who arrests by due process of law where a crime has been committed, if he follows the legal procedure, including protection of the accused, and makes the arrest without malice or other criminal motives.

## 3. Self Defense by Private Citizens

When a citizen is attacked but his life is not threatened, he must retreat if there is an avenue of escape. A private citizen may offer resistance only when attempted escape may result in injury or death, such as flight from a person armed with a gun or a throwable weapon. If he returns a blow with the fist after receiving a blow, though an avenue of escape is available, he cannot claim self defense. Both persons may be prosecuted for assault and battery on each other.

This is from an old common law doctrine, "Flee-to-the-Wall," which means that a person being attacked must retreat as far as possible before giving active resistance. When there is no escape possible and he is still being attacked, the citizen may then offer resistance in self defense. This "flee-to-the-wall" principle does not apply to a person being attacked in his own home. A police officer or auxiliary policeman is not required to retreat in this manner, either. Retaliation by either police or citizen is illegal. An example of this: A hits B in a street fight. B retaliates by hitting A with his fist. The officer arrest A and B, but B claims that he should not be arrested, because A hit him first. B's defense is not good because B has no right to hit A on this provocation, unless there was no avenue of escape, or unless he had "fled-to-the-wall" (retreated as far as he could) and the attack was continued. "Better to flee than a life be taken."

## 4. Justification for Killing.

A man is entitled by the Constitution to a trial by jury. He is not subject to punishment until he pleads or is found guilty. The courts impose the penalty as fixed by law. It follows then that no police officer has the right to inflict death or any other punishment upon a person. However, the courts have ruled that police officers are justified in the taking of life without malice to prevent the commission of a force felony, such as murder - robbery - rape - arson - burglary and kidnapping. The officer may be called upon to establish this justification before being exonerated.



There is justification for killing in certain cases. However, exoneration must come from others and the burden of proof is on him to prove he was justified in taking life. He may be exonerated of blame for killing in the commission of force felonies, such as murder, robbery, rape, arson, burglary; the officer may be exonerated when the taking of a life was necessary.

Police have mistakenly believed that they had the right to kill any escaping felon. A man who has just committed forgery, simple larceny or a similar felony, certainly cannot be killed just because he was escaping. He may be apprehended the next day, or the next year, and the court may add an additional punishment for escaping.

Killing a person charged or suspected of a misdemeanor is manslaughter. It is certain that an officer who shoots and kills an escaping person does so at the risk of being charged with murder himself. If he does kill, he must prove first that a felony of force was committed; second, that his own life was in danger; and third, that he was justified in the killing. Circulars offering bounties for the apprehension of criminals "dead or alive" do not justify killing.

#### 5. Right to Break Doors

An officer, in the execution of a warrant, may break doors to arrest for treason, felony, actual breach of the peace, or in the service of a search warrant. In the last case, he may break open doors both into and within the building. He may also break doors to arrest on suspicion of a felony.

#### 6. Police Authority to Deputize

If necessary, a policeman may deputize as many persons as he needs to assist him in making an arrest. This deputized authority exists only for the duration of the need. Such power to deputize may be used when confronted with an arrest impossible to effect alone, or in cases of public violence.

Some police have deputized the persons most likely to cause a disturbance. If they do not comply and assist the officer in maintaining the peace, they may be arrested for refusing to assist an officer.







PROSECUTION AND ARREST PROCEDUREPROCEDURE AFTER ARREST

## 1. Search of Prisoners

It is sound police practice to make an examination of the prisoner for weapons or evidence. This is divided into two phases: The search on the street and the search after being brought to the police station. The examination on the street should be thorough enough to disclose any readily accessible weapons or evidence. This precaution must be taken to prevent any outbreak by the prisoner while enroute to the station. After arriving at the station, the prisoner may be required to disrobe and submit to a complete search.

It is more difficult to conceal deadly weapons in women's clothing where they will be readily accessible. On the street there is no reason why a woman's purse or bag, or a coat she is not wearing, should not be examined. After arriving at the station, she should be searched by another woman.

## 2. Certificate of Charge

A Certificate of Charge is a written statement giving the name of the prisoner, the charge against him, the amount of bail, if known, and the signature of the arresting officer. In addition, it may contain the name of the minor judiciary and any other information the officer wishes. It is mandatory upon the demand of anyone interested in the defendant. One certificate is sufficient. It may be written on any kind of paper. The officer is not compelled to give this at the scene of arrest, if not practical and may wait until the prisoner is confined. Failing to furnish this Certificate of Charge on demand is punishable by a fine of \$500 and one year's imprisonment.

## 3. Hearing

The hearing is the first appearance of a defendant charged with a crime before the minor judiciary in which testimony in the case is taken. In summary offenses both prosecution and defense present testimony and the minor judiciary decide the guilt or innocence of the accused. In an indictable or court case, only the prosecution side of the case is heard to determine if there is enough evidence to hold the defendant for the Grand Jury. The hearing must be held before the minor judiciary as soon as possible after the arrest, although the law does not set a time limit.

It is good police practice to take the defendant immediately before the minor judiciary and set a date for a hearing. The responsibility then is shifted from the executive to the judicial branch of government.

## 4. Bail

Bail is a guarantee that the defendant will return for trial at a certain set time. It is an arrangement between the defendant and the judiciary; if the judiciary is satisfied with the bail, the defendant is not incarcerated. If the defendant does not return, the bail is forfeited to the state. If a person goes bail for another charged with a crime, he takes the responsibility of seeing that the person appears for trial. If he desires to withdraw the bail before the trial, he must bring the defendant to the court from which he was bailed.

Persons accused of murder and manslaughter may be admitted to bail only by the Supreme Court or one of the Judges thereof, or a President Judge or an Associate Law Judge of the Court of Common Pleas.



Persons accused of arson, rape, mayhem, sodomy, robbery, or burglary, may be admitted to bail only by the Supreme Court, the Court of Common Pleas, any of the judges thereof, a mayor of a city, or the Clerk of the Court of Quarter Sessions.

Persons accused of other offenses may be bailed in a minor judiciary court. If a defendant is arrested in another county for an offense bailable before a minor judiciary, he may waive hearing and post bail for court, except in cases of Assault and Battery and Surety of the Peace. In cases of summary offenses against the Motor Code, it is mandatory that a defendant be taken before a minor judiciary in the foreign county for an opportunity to post bail for hearing. The police officer fulfills his duty to the defendant when he allows the defendant the right to bail.

#### 5. Custody

A police officer has definite obligations to the prisoner after an arrest. While in custody, the prisoner is naturally limited to doing only those things which the custodial officers allow. To afford the defendant his constitutional rights, the officer must allow him a chance to post bail and prepare his defense by securing counsel and witnesses at the earliest opportunity; there are no rules set on this point, except that the defendant must have these rights. Legally, there is no such thing as an open charge.

Humane treatment dictates an absence of abuse of any kind, including that of neglect. Food, drink, medical attention, and the necessities must be afforded the prisoner. As most police departments have very limited facilities for detained prisoners, it is advised that each such person be allowed a chance to post bail or that incarceration be made in an institution with proper facilities. Furthermore, this relieves the officer of active responsibility, releasing him for his regular police duties. The Lockup Act provides that any keeper of a jail or lockup must receive any lawful prisoner and hold him for at least forty-eight hours. This Act is for the convenience of officers out of their own jurisdiction who must use jail facilities to confine a prisoner.

#### 6. Habeas Corpus means "bring forth the body."

It is a writ or an order from a court to the person detaining another, commanding him to produce the prisoner at a certain time and place, and cause him to produce the prisoner at a certain time and place, with the day and cause of his arrest and detention indicated, in order to comply with whatever the judge who ordered the writ shall consider proper. Its main purpose is to secure the release of a prisoner who is being unlawfully detained, or to compel action on the part of the prosecution when there is a disposition to delay.

#### 7. Grand Jury

The Grand Jury has the function of ascertaining if the facts show sufficient probability to hold for a trial by a petit or trial jury. Many years ago, nearly all investigation of criminal acts was done by the Grand Jury. Changes in the way of life and criminal procedure made this type of investigation unwieldy and cumbersome. The police have come to be the agency which gathers most of the facts surrounding a criminal incident.

The Clerk of the Court of Quarter Sessions issues a writ commanding the appearance of twenty-four citizens chosen by lot from a panel for each session of the court. There must be at least four panels each year. Twenty-three jurors are sworn so that twelve is a majority. Aforeman is appointed by the court or selected by the jury.





The District Attorney is the legal adviser of the Grand Jury. He brings each case before the Grand Jury as it arises, questioning the proper witnesses and instructing the Jury on all questions of law. He may be present during the deliberations of the Jury after the evidence has been heard. He cannot order the withdrawal of a juror during the hearing of a particular case, or attempt to influence their decisions. Private counsel may not be present. The defendant has no right to appear before this body unless called. Only the witnesses for the Commonwealth are heard; none for the defendant. One witness only may be present at a time.

The presumption of innocence plays no part in the Grand Jury room; the Grand Jury merely determines whether there is probability of guilt. This is in contrast to the deliberations of a trial jury, where, however great the probability of guilt may be, the prisoner is entitled to acquittal if there is reasonable doubt of his culpability.

The Bill of Indictment is the formal accusation on the part of the Commonwealth and must be drawn in a strictly legal manner. The Grand Jury either finds the indictment valid or ignores. If they ignore it, the prisoner is discharged. If they find it valid, it becomes a True Bill. Thus, a True Bill is a formal accusation by the Commonwealth on which twenty-three citizens have heard sufficient evidence on the side of the prosecution to convince a majority of them that the accused should be held for court trial.

A Grand Jury may compel a witness or an offender to either testify or else be held in contempt of court, and accordingly, fined or given a jail sentence. The police may not place a witness under oath when they are questioning him; in contrast, testimony before a Grand Jury is ordinarily under oath. This makes the evidence obtained by a Grand Jury much stronger.

All Grand Jury proceedings are entirely secret. The Grand Jury may investigate certain things on its own responsibility. However, it cannot indict without a previous prosecution before a magistrate, except in offenses of public notoriety, such as are within their own knowledge, or are given them in charge by the court, or are sent to them by the prosecuting officer of the Commonwealth. (McCullough v. Com., 67 Pa. 30)

The Grand Jury is the investigative arm of the court and any wilful disturbance of them in performance of their duties is punishable. One who attempts to influence them by writing letters or talking with them about the cases they are hearing, is criminally responsible. Grand Juries may also bring indictments against others than those named in the original indictment, if the evidence they hear so warrants.





## UNIT 14

### EVIDENCE

Evidence is the means by which facts are proven. It must first show that a crime was committed, i.e., the Corpus Delicti. It may be spoken, written, demonstrated, reproduced, or acted, as long as it portrays truth. Evidence must be given by a witness who relates what he saw, heard, felt, smelled, or tasted. The witness may, also, interpret the action of some physical evidence which cannot explain itself. To establish guilt, evidence must prove that some human being was responsible for the commission of that crime.

Physical evidence is any form of matter that is a part of a crime and may be used to explain the situation. It has a story to tell but cannot talk. It needs a competent person to interpret its story orally as a witness. When such physical evidence is found, it is preserved in its original condition until it is used in court. There must be evidence produced to show it in its original condition and a record kept of those who had possession from the time it became evidence until it is introduced in court.

#### DIRECT EVIDENCE

Direct evidence is evidence, which, if it is true and believed by the court or the jury, proves the existence of the fact in issue without any inference or presumption. It is sometimes referred to as "positive evidence."

Direct or positive evidence is the testimony of one who saw or heard the crime committed. The person giving the testimony must be an eye or ear witness. Examples: (1) A person saw a man, whom he is able to identify, set fire to his barn; (2) A person saw and recognized a person entering his chicken coop and leaving with a bag of fowl.

#### CIRCUMSTANTIAL EVIDENCE

Circumstantial evidence, sometimes referred to as indirect evidence, is evidence which, by indirectly proving the existence of a fact, gives rise to a logical inference that such fact does exist. The law, however, will NOT permit the drawing of an inference from a supposed fact which has no direct proof. The advantage of circumstantial evidence is that, as it commonly comes from different sources, a chain of circumstances is less likely to be falsely prepared, and falsehood is more likely to be detected. The disadvantage is that the jury has to weigh not only the evidence of facts but to draw just conclusions from them; in doing this they may be led to make hasty and false deductions - a source of error not existing in the consideration of positive evidence.

Circumstantial evidence is any evidential fact surrounding and pointing to a crime, or inferred from the circumstances. A chain of circumstantial evidence, which may be very strong, can be woven around a person, as in the Hauptmann case. If one link is broken, the rest of the circumstantial evidence in the chain is weakened. Investigators of circumstantial evidence must be very thorough. Examples: (1) a pocket knife with a bloody blade found at the scene of a murder caused by stabbing is proved to belong to the defendant. (2) Footprints with marks corresponding to the shoes of the defendant are found at the scene of the crime. (3) A bullet from a dead body is proved by a firearms expert to have come from the defendant's gun.



## WHO MAY TESTIFY

The following persons are not competent to testify: persons convicted of perjury; husband and wife against each other, except to the fact of their marriage, or in desertion and non-support cases, or in any criminal procedure against the other or their minor children.

All other persons are competent, except that a defendant cannot be forced to testify against himself or give testimony that would incriminate himself. Any person other than the defendant may be compelled to testify to anything which would not incriminate himself. Any child who understands the difference between truth and falsehood is competent to testify. A witness's opinion on matters of religion is not a subject of inquiry.





OBSERVATION AND PATROL**OBSERVATION**

Observation is the use of the five senses - sight, hearing, feeling, tasting and smelling. The police officer uses the senses to determine if there is anything unlawful or hazardous. Upon discovery, it is his duty to abate the unlawful thing by arrest and court action and removal of the hazard by due process of law. The success of patrolling depends largely upon ability to observe and then to take the proper action.

**SEARCH**

The senses are employed in search. The object of a search is to find evidence, usually physical evidence. Any evidence found in the search may be seized, provided a prosecution is made. If no prosecution results, the seized physical evidence must be returned to the owner or otherwise disposed of by due process of law.

The methods of search will depend on the things searched for and the area where they are hidden. The searcher must make plans for each search. Quickly observe the area with the eye. If the thing searched for is not found readily, a detailed search is necessary and the area may be divided and each section searched. The common error is to search without a plan.

**PATROLLING**

The purpose of patrol is to have units of the police department in public who can observe and be seen, and secure information. Patrols may be on foot, with cars, horses, or any other methods of transportation. They may be stationary, or moving. Their duties are to spot violations of law or other incidents that require police attention that may not be reported by the civilians. Information is received by the police from two sources: first, that secured from the civilians in the form of complaints, and the resulting police investigation; second, from investigations instituted by the police from their own observations and discoveries. The patrol is one method of searching for information.

The patrol searches by observation for law violations and hazards. Upon discovery of what appears to be a law violation, an investigation is made. If the evidence warrants, a prosecution may result. When hazardous conditions are found, the police duty is to control and minimize the dangers of that hazard.

**PATROLLING BY AUXILIARY POLICE**

The auxiliary police should study the methods and routes of the regular police. It is good practice for an auxiliary policeman to be assigned to study a beat or duty with the regular officer. He should observe the physical characteristics and the activities that are normally present. If an emergency does come, the physical characteristics may be substantially changed. New conditions will be set up. However, new conditions will be difficult to recognize if the normal or old condition is not known.

After a disaster, new hazards develop. The physical forces in motion during a bomb explosion, fires, floods, windstorms, wrecks, etc., are such that they suddenly cause new hazards such as unexploded bombs, weakened walls and floors, holes, shaky structures, tottering trees and poles, wires down, both hot and entangling, flooded streets and basements. If normal activities are resumed suddenly, people will attempt to do the things they are accustomed to doing by habit. They will take the routes they usually follow. It is a function of the police patrol to spot and isolate by warning signs, detours, roped areas, police posts, loud speakers, evacuations, etc.



The patrol should know the people who normally can be expected to be in the patrol area. This will help to locate missing persons and to spot new faces. When a new face is observed, the patrolman should be curious about that person until he has learned what he is doing there. In any disaster, new faces may appear. Sometime spies or criminals take these opportunities to enter and work while the unusual is going on.

#### BLACKOUT ENFORCEMENT

During blackouts, the Patrol should enforce the blackout, concentrating on the lights showing in buildings and in the open, leaving the enforcement of blackout of vehicular lights mainly to the fixed traffic officers.





REPORTING AND PRESENTATION OF TESTIMONY

## REPORTING

Reporting is a very important matter. It is through the medium of reports that information is disseminated to superior officers and other services, and a record is kept. The report is, in many cases an appeal for assistance, and, in others, a record of what happened.

The auxiliary will use the report forms of the local police department. Reports are made through the established chain of command. During the air raid, or at any other time, when the Control Center is in operation, reports are made to the Control Center through the established chain of command.

Reports may be made in person, orally, or by telephone or police radio. When a report is delivered orally to a person designated to receive the report, a written communication should follow soon in order to keep a record. The person reporting should keep a duplicate of the written report. This need not be made if the person receiving the report makes a report.

State only facts. Tell what happened, using just enough words to form a truthful picture. The ability to do this depends largely on the powers of observation.

Be certain that the report receiver understands thoroughly before breaking contact with him. Have the receiver repeat an oral report, if possible. This may require tact when the receiver is a superior officer. The junior officer should always repeat the message to the superior.

Written reports are kept for a record. Oral reports are easily forgotten. Each individual should keep an individual record, in a note-book, of his activities. It is wise to have duplicates of all messages and reports also.

Accurate reporting of any incident requires notes. Notes should be made, at the first opportunity, immediately after the incident. The witness should reconstruct the happenings as they occurred while the incidents are fresh and have made a temporary impression on the mind. The writing of the notes is another mental impression. Still another mental impression is made when the report is turned in. Discussions of the case supplement the impressions until, finally, a clear picture is formed that can be remembered. The witness who relies on the first impression may have difficulty in remembering when called into court months later on.

## PRESENTATION OF TESTIMONY

The presentation of testimony in court is a form of reporting. The success of reporting testimony depends almost entirely upon the way the witness has investigated and prepared his testimony.

Oral testimony should be given so that the same testimony is given the defense as the prosecution. There is a tendency to favor one side or the other, depending upon which side the witness is placed. Absolute truth will prevent the witness from being shaken. Opinions, deductions, conclusions and beliefs of the witness cannot be given and cannot be injected surreptitiously into the testimony.

The investigator should first be satisfied that the elements of the crime are present and that there is evidence that can be supported by truthful testimony. Evidence should be investigated thoroughly from all angles with the same scrutiny that a prosecuting or defense attorney or the court and jury would give it. This is to find and eliminate weakness and untruthfulness in it. A witness who is prepared need have no fear in telling the truth.

Mistakes may honestly be made. If the witness discovers an error in testimony which was honestly made, he should correct that mistake voluntarily, before any other person discovers it.





DIRECTING TRAFFIC

Most auxiliary police have been "directed" by traffic officers and should have some conception of the job. Be conspicuous. Adopt a position easy for the motorist to see. The center of the street or intersection is the best for traffic control, but most dangerous.

If traffic is in small groups, allow each group to pass and then change direction. Avoid holding a group to allow stragglers to pass. Don't change directions suddenly against fast moving, un-coming traffic. Give pedestrians a chance to cross the street before starting stopped traffic. The right of way is given to police, fire, ambulance, or other emergency equipment. Use the hand signals only when necessary. The public, seeing an officer in the street directing traffic, recognizes that this intersection is probably more hazardous than others. Therefore, do not attempt to direct traffic unless it is an aid to traffic flow. Flashlights or other illumination may be used to illuminate the officer and attract attention, but they are confusing to a motorist when used for signalling.

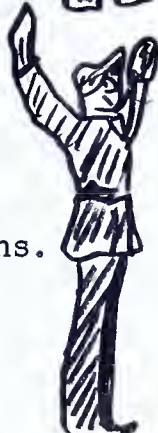


Traffic is moving  
in two directions.



The raised arms halt  
traffic from right and  
left. Traffic is  
already stopped in  
front and rear.

A half turn has been  
made. Traffic is at  
rest in four directions.



The "GO" signal  
starts traffic in  
the new direction.





## THE PENNSYLVANIA MOTOR CODE

Auxiliary Police may be detailed to traffic duty. In times of emergency, rapid traffic flow may be more important than enforcement of traffic regulations. An officer who properly directs moving traffic and keeps it moving has little time to enforce the regulations of the Motor Vehicle Code, even though minor violations occur directly in front of him. However, each Auxiliary Policeman should study the Motor Vehicle Code. Situations may arise when an arrest is important.

## BLOCKED TRAFFIC

Traffic is blocked by such things as accidents, bombings, stalled vehicles, unattended vehicles left improperly parked, etc. There are times during emergencies when these things block traffic and may be serious hazards. The General Police Powers allow an amount of physical force necessary to remove the blockade. The policeman is expected to use whatever method he needs to remove the blockade.

Saboteurs may use this method at traffic bottlenecks; they may blockade by stalling and leaving an unattended vehicle. A traffic tie-up may be caused to offer a better target for bombers. This method has been used by criminals to aid the getaway.

The policeman who observes a blockade that will tie up traffic may detour traffic until the blockade is removed.

## NEGLIGENCE

Negligence is the cause of most traffic violations and highway accidents. Negligence means carelessness, failure to exercise caution, failure or omission to do a duty. Negligence is the opposite of prudence. Dangers must have been foreseeable if a person is to be held responsible for negligence, although a person who neglected to foresee what reasonably could have been foreseen may be responsible. Gross negligence involves a slight of little diligence which even thoughtless persons assume. Negligence involves recklessness, carelessness, heedlessness and thoughtlessness. A mere omission to act may constitute negligence, but only when it was a legal duty to act. In this sense a person has no legal duty to bind up the wounds of an injured person. A doctor who is called to the scene and neglects to do his duty may be accused of negligence. The more dangerous the undertaking, the more prudence must be exercised to avoid injury. An act may be so dangerous that merely doing it constitutes negligence.

When the investigation has established negligence as a cause of an accident, it usually becomes a civil matter, though negligence may be the basis of a criminal statute. For example, failing to stop and render assistance and involuntary manslaughter are criminal charges involving negligence. Accidents involving negligence of this character are then investigated as criminal charges.

## THE HUMAN ELEMENT

The human element enters into the construction and operation of the machines, materials, and buildings, etc., involved in accidents. Since the human mind is not perfect, it is illogical to expect the creations of the human mind to be perfect. An individual is responsible for the safety of his creations only to the extent that he can realize their danger. A mistake which could not be reasonably foreseen cannot be charged to his responsibility. Negligence or lack of foresight that could be foreseen does render liable the human being who constructed or operated the thing. For example; an engineer who constructs a building without proper supports should be responsible if the supports give way. A person who leaves an unprotected hole in the ground, knowing that people will pass, is responsible.





REGULATION OF VEHICULAR AND PEDESTRIAN TRAFFIC

The primary function of a traffic officer is the direction and regulation of traffic. This duty may arise either at an intersection of two or more highways, or at any point on a highway where conditions necessitate the presence of an officer for this purpose.

Under all circumstances an officer directing vehicular traffic must keep two objectives in view: safety for pedestrians crossing the street or highway, and the quick sure movement of traffic.

The prime purpose, of course, is to prevent or relieve congestion and thereby facilitate safe and rapid movement under all conditions of traffic density. To attempt, therefore, the regulation of traffic without keeping both of the above stated factors in mind will most certainly result in personal injury, damage to property or at the very least, confusion to the operators and serious impediment in the flow of traffic.

We conclude, therefore, that prerequisite to efficient traffic regulation by manual control lies a thorough and comprehensive knowledge of signals which the traffic officers must execute in a cool and deliberate manner. Such a knowledge will enable the officer to relieve congestion and move traffic in a sure and expeditious manner under all conditions.

COOLNESS AND ALERTNESS AT ALL TIMES ARE ABSOLUTELY ESSENTIAL TO EFFICIENT CONTROL

An energetic application of manual direction by the hand and arm in a courteous and dignified manner will immediately command the respect of motor vehicle operators and produce the desired quick and accurate response to signals. A sluggish and indifferent attitude by an officer will do more to slow up and congest traffic than any other single factor.

#### TRAFFIC CONTROL AT INTERSECTION

**POSITION:** At center of intersection. This position has the advantage of placing the officer at the spot where the motorists and pedestrians expect to find him, and where everyone's view of the officer is equally good. The officer turns his body parallel to the direction in which he desires traffic to flow, at the same time extending his arms and hands horizontally from his sides, thus simulating a barricade to the stream traffic he desires to halt. The officer picks out a particular car in a likely spot in traffic, signals stop to that car and makes certain that car is stopped and all traffic is halted, before signalling to pedestrians or to change the flow of traffic. A light vehicle or a gap in the flow is best. Traffic on an open highway begins to move on signal from the officer who beckons with hands. This signal is not given, however, until pedestrians have been given sufficient time to effect a crossing. As traffic gets under way, the officer drops his hands but maintains his body in the same relative position until ready for a change in the direction of flow. To change the movement of traffic from one highway to the other the officer merely changes the position of his body to be parallel with traffic on that highway, and repeats the execution of stated signals.

The presence of only one officer in the intersection directing traffic is usually the most effective. If more than one are engaged in this duty at the same time there is a tendency to distract attention and cause confusion. It is often necessary, however, in cases where the pedestrian problem is of sufficient magnitude, to have an additional officer within the bounds of pedestrian lanes to assist in the proper control of this traffic.





**DIRECTION:** Traffic is permitted to move in both directions on one of the intersecting highways. Time allowed for such movement on either highway depends on density of movement. Left turns are made in front of the officer who must be careful to stop traffic moving in the opposite direction before permitting such turns by signalling "stop" to oncoming vehicles.

On highways of sufficient width, double lines of traffic may be formed for movement in the same direction or to effect right or left turns. This is desirable in directing the movement of traffic on heavily travelled highways.

**WHISTLE:** The whistle is a signal that traffic direction is to be changed and notifies the moving motorist that he is to be prepared to halt, and the halted one that he is to be ready to move. A change in traffic direction without any preparatory signal usually results in general confusion and congestion.

The whistle properly used is an essential part of traffic regulation under all circumstances. On the other hand, frantic blowing of a police whistle has never hastened traffic to move ahead safely, but has a tendency to create a dangerous, nervous tension in drivers.

One long whistle blast is a signal for change in movement. This is given immediately before the traffic officer changes position, and with arms extended outward (See Fig. 2). Officer then moves body to a position parallel to traffic on highway which is to move off, (Fig. 3) and with a short blast of whistle beckons with hands (Fig. 4) for movement in both directions. As traffic gets under way, the officer drops his hands but maintains his body in the same position.

#### GENERAL

In "Stop and Go" control of traffic, a cycle is a complete round of directions. Each change of direction within the cycle is termed an interval. Intervals are determined by a number of factors and in various ways.

**FIRST:** Where traffic is extremely heavy on all highways. If the officer can see all surrounding intersections, intervals may be determined by the "halted" street. Intervals should occur when the line of halted traffic extends to a point between one-half and three-quarters of a block distant. Should the officer allow traffic to extend any further, the line will extend into the next intersection, bring all traffic to a halt within that intersection, and cause congestion. If an officer is controlling traffic in the adjoining intersection, it is true that he can prevent the halted line from blocking the intersection, but, at the same time, his direction will depend upon yours and he will be able to move traffic upon only one street, until you change direction.

When there are no adjoining intersections, the officer must depend upon time for changing intervals. Intervals should be from thirty-five to forty-five seconds in length. Frequent changes are desirable because the average motorist becomes impatient if forced to wait for any length of time, with the result that he will attempt to make up time later by driving fast, taking chances, and otherwise becoming careless in ways that tend to cause accidents.

**SECOND:** Where traffic is moving in small groups of cars, the officer may change direction by natural intervals and traffic flow, or, in other words, change direction as each group clears your intersection.

In directing traffic at public meetings and the like, an officer may use both time and natural flow as a basis for intervals. Thus, traffic will at first come





through in small groups as the early arrivals get to the scene of the meeting. The officer will space intervals and change direction by natural flow. As the time draws near for the meeting, football game, etc., to begin, traffic will flow through in a continuous stream and the officer will be forced to resort to the time interval plan for changing directions. The same thing is true after the meeting has ended. Traffic will come through in a continuous flow and after the bulk of persons have left the meeting, traffic will evolve into movement of small groups.

An officer should always avoid holding an interval for stragglers. Change direction and allow them to wait. While you are holding an intersection open for the stragglers, you might be moving ten motorists on the other street.

Never change directions directly in the face of a motor vehicle moving at high speed simply to "show up" the operator. He may have unequal brakes, apply them suddenly and turn over, or crash into another car. He may have no brakes at all, or very poor ones, and be unable to stop, and strike a car moving through the intersection. It is better to allow the speeder an open intersection, slow him gradually with your hand and then halt him with your whistle. You may then warn or arrest him, depending upon the seriousness of the violation and his attitude.

Do not terminate an interval directly before a heavy truck, a decrepit-looking car, a horse-drawn vehicle, or any slow-moving vehicle. It is better to have such a vehicle on the tail of the procession and for this reason it is better to terminate the interval directly behind them.

It is common error to forget the pedestrian during the arm-and-hand signal direction of traffic. The traffic officer is required to give the pedestrian as much consideration as the motor vehicle. Jay-walking is often caused by the officer's failure to give the pedestrian due consideration. A pedestrian soon learns to cross at an intersection, and knows he can cross the street or highway just as quickly, and far more safely if there is an efficient officer at the intersection who gives the pedestrian proper protection. Aged persons, infirm persons, and children require special protection. Where there are great numbers of pedestrians desiring to cross the intersection in all directions, it is usually advantageous to hold all traffic and give the pedestrian a period of about twenty (20) seconds. Where there are fewer pedestrians they may be allowed to cross in the same direction as motor traffic. Any officer may leave his post to help elderly or infirm persons and children. No officer need be ashamed to give little special protections such as the above, as such actions leave a feeling of admiration and respect in the minds of onlookers, not only for the officer but for the entire organization he represents. An officer on duty at an intersection must guard against getting a reputation as a "snob". He must be as ready to help the operator of a decrepit model "T" as the driver of a "Rolls". He must be as quick and willing to help an old lady dressed in rags as he would a queen. The officer must be just as impartial in meting out punishment. Most people are quick to note an officer who favors a certain class and are resentful toward the officer and his organization.

An officer on duty on an intersection must be especially cool-headed upon the approach of fire apparatus or other official vehicles operating in an emergency. An excited or rattled officer only causes congestion within the intersection, which will result in an accident or bring the official vehicle to a halt.

Upon hearing a siren, the officer should immediately give a series of short blasts with his whistle with the object of securing the attention of all persons. In such cases it is urgently necessary to stop all traffic immediately and maintain clear passage for the official vehicle. Absolute immobility of traffic is desired to assure the operator of the official vehicle an unobstructed right of way.





## CONCLUSION

Many conditions will arise through misunderstanding or impatience on the part of some operators which ordinarily would be sufficient cause for arrest or reprimand by the officer. This action, however, is usually inadvisable and should be taken only in the most extreme cases. To carry such action to its proper conclusion usually requires a complete stoppage of all traffic resulting in confusion and disrespect for the officer, which of course is highly undesirable.

Calling out aloud to reprimand a motorist who has made a mistake is probably the most undignified and uneffective action a traffic officer can indulge in. This should never be resorted to.

## INSTRUCTIONS PERTAINING TO STOPPING MOTOR VEHICLES

One of the primary functions of a traffic officer is that of stopping motor vehicles traveling on public highways. The density of vehicular and pedestrian traffic, the speed at which motor vehicles travel and the uncertainty of reaction to signals given by the officer on the part of motor vehicle operators makes this function of the police one which is both extremely important and highly dangerous to all persons affected thereby. It is necessary, therefore, that the following rules governing procedure in such cases be adopted and strictly adhered to, if possible, under all circumstances.

1. Admonish for violations of a summary nature not purposely done.
2. Summons for a summary violation wilfully or flagrantly done or for gross negligence.
3. Arrest for misdemeanors and felonies committed in view.

## SIGNALS TO STOP

The officer must first make up his mind to stop the vehicle and then decide upon the highway location at which the signal is to be given. The signal, when given, must be clear, definite and understandable. This is very important because the motorist has no other means of determining what is in the mind of the officer and the subsequent action depends largely on the response of the motorist to the signal.

On approaching the car the officer must be on the alert and keenly observant of all occupants. If possible, approach the car from the rear rather than the front. During inspection and conversation with the occupants assume a position which will in no way interfere with activity of supporting officers if assistance is needed.

## STOPPING MOTOR VEHICLES FOR ROUTINE CHECK-UP OR ARREST FOR VIOLATION OF TRAFFIC LAWS

When in a car or on a motorcycle, come abreast of the vehicle to be stopped at a location where highway and traffic conditions will permit such movement to be made with safety. Signal operator to stop by use of electric fender light or whistle, either or both when necessary. Upon observing that the motorist has properly interpreted your signal move to the rear of his car and stop in this position off of the improved section of the highway. This places the officer in a strategic position from which he can approach the car and occupants from the rear. This is always the most desirable approach. However, if conditions will not permit this form of procedure then a cautious approach from the front should be made. If the operator has not driven off of the improved section of the highway, require that this be done immediately. There should be no exception to this rule. All motor vehicles, when not in motion, should be parked off the improved or travelable portion of the highway.



Officers, when engaged in conversation with motorists, should be careful not to stand on the improved or functional portion of a highway. It is also the duty of the officer to see that persons with whom he has engaged in conversation also stand clear of the highway. Quite often people become so engrossed in conversation that they become wholly unconscious of the immediate danger of standing on a highway. The police officer is required to be alert to such dangers and guard against them at all times.

#### TRAFFIC REGULATIONS AT SCENE OF HIGHWAY DISASTERS

The dismounted traffic officer often has occasion to stop by signal, operators of motor vehicles that are travelling at various speeds and under widely diversified conditions. Great care must be exercised in the selection of a highway location suitable for such activity. If the necessity for such action is occasioned by a motor accident or highway failure, some consideration should be given to existing conditions; for example:

- (a) Under conditions of limited vision, slippery highway, heavy traffic density, or motor vehicles approaching the scene at high speeds, assistance from the nearest police should be obtained immediately. Under exceptionally bad conditions it is sometimes necessary to station an officer some distance in both directions from the scene of the occurrence necessitating traffic regulation.
- (b) When engaged in stopping motor vehicles for routine check-up, if traffic is moving at high speed, it is essential that an officer be stationed some distance from the scene of such activity to slow up traffic in anticipation of the requirement to stop.
- (c) When engaged in activities such as outlined above, during hours of darkness, appropriate lighting facilities such as red flash lights, red flashing signals or red lamps must be used, provided that such signals do not interfere with other security measures.





TRAFFIC DIRECTION DURING WAR EMERGENCIES

The basic training for an auxiliary policeman charged with traffic direction during any war emergency such as a blackout or an air raid is much the same as the training received by any peace officer for the handling of normal traffic. Movement of traffic may be heavier and faster. Handicaps such as military convoys, bomb craters, zero visibility, or extreme excitement and fear may be present. These handicaps do not necessarily change the fundamental things a traffic officer should know, and know how to do. They do make it more imperative that the auxiliary traffic officer have a thorough knowledge of normal traffic control and considerable practice in techniques.

Before taking up the subject of normal traffic control there are some peculiarities surrounding air raid conditions that should be mentioned. They are discussed in the following order.

- A. Before the alarm
- B. At the alarm
- C. During the raid
- D. At the all clear

#### A. BEFORE THE ALARM

Traffic policemen are usually assigned to fixed posts. Auxiliary policemen assigned to traffic duty should have fixed posts, i.e., they should be assigned to the same posts each day or each alarm period.

Detailed plans by the police force to handle traffic in an emergency will be made well before any danger is imminent. The auxiliary policeman should study and know the city, county, borough or township police department plan. He should know his own area and develop a plan for handling the problem at his own post. He must decide what will be required of him and make plans for handling particular duties at his post. All of these individual plans must be coordinated with the master plan for the whole community.

The auxiliary should locate a place of refuge for himself nearby where he can take shelter when the attack is severe in the immediate vicinity. He must familiarize himself with the location of all the air raid shelters, first aid stations, fire and air raid warden posts in his district.

The auxiliary should make it his business to know his own chain of command and his respective place in the chain. Every auxiliary should have one and only one immediate superior officer. It is the individual's responsibility to know this person and to maintain contact with him. Likewise, the auxiliary will maintain close contact with others placed under his supervision.

#### B. AT THE ALARM

At first, sharp thrust of the work of air raid control as the alarm sounds will fall upon the regular police shift which is on duty at the time. As the auxiliary police reach their posts they take over emergency details from regular police, permitting the regular officers to enlarge the scope of their activities. During this short, intense period of sudden adjustment there may be congestion of vehicular and pedestrian traffic because of the rush of defense workers to their posts and of other citizens finding shelter. This period of critical emergency must be handled quietly and without excitement. Unless it is a sneak raid, the hazard from poorly controlled traffic may be greater for five or ten minutes than the danger of falling bombs. Defense workers should arrive at their posts quietly in a mental state that will help to achieve order and control. Any excitement or confusion on the part of a policeman will make every Civil Defense job more difficult. It may result in spreading panic among untrained citizens.





Ordinarily the warning will come suddenly. It may take time for the warning to sink in, for drivers to comprehend that an emergency is at hand. Some people will act from habit and persist in taking habitual routes; others may become panic-stricken and lose their heads. The reaction to a sudden alarm may take the form of a sudden stop or just the opposite, a sudden spurt to get to another point.

### TRAFFIC DURING BLACKOUTS

Blackouts, brownouts and dimouts are not considered in the present plans as indicated by the Federal Civil Defense Administration. However, if they are adopted later when the blackout begins, or the air raid warning sounds, all vehicles should extinguish lights and park at the right of the curb, or in any parking place nearby. If it is an air raid warning, the vehicle is parked and the occupants seek shelter. At the blackout, traffic, except emergency vehicles, remains standing. Emergency vehicles are police cars, fire trucks and cars, traffic control vehicles, ambulances, public utilities vehicles, air raid service equipment, and passenger vehicles operated by physicians and surgeons, registered nurses, Red Cross and First Aid crews, and other military, defense, or emergency equipment. The officer must decide which is emergency equipment and which is not. Proper insignia should be placed on all emergency equipment. There may be times, however, when such equipment should not have priority.

During blackouts any color showing is a marker or caution signal. Red means "Stop" at all times; white also indicates a marker or a traffic officer.

A blackout may be in effect for long periods. The drivers of vehicles that must move during blackouts should take about thirty minutes to allow the eyes time to adjust from light to darkness. Moving traffic must be regulated to the distance at which substantial objects can be recognized and the vehicle stopped before reaching that object. The driver must allow adequate stopping distances, as sudden, quick stops, difficult to observe by a following vehicle, cannot be allowed. A charge of driving too fast for conditions may be placed against a person speeding in a blackout.

If there is traffic moving under normal lights after the alarm has sounded, the auxiliary may use a suitable sign stating "Stop - Blackout - Pull to Right", or the "Stop" hand signal. When a car is stopped, the auxiliary identifies himself if he is not in uniform and requests the driver to pull to the road-side or curb, to leave his car in a safe manner, and to seek shelter. A courteous request will produce results more effectively than a discourteous order. In very few troublesome cases it may be necessary to use a firmer attitude.

### C. DURING THE RAID

The second duty of the auxiliary, after his area is under control, is to keep the intersection clear for the free movement of emergency traffic: fire and police apparatus, ambulances, utility trucks, military units, or other readily identifiable vehicles whose right to use the highway is clearly established by the local rules and regulations.

The policeman remains on duty wherever he is assigned during the entire raid. The man assigned to traffic duty must remain in a position where he can direct belated vehicles to parking places. He must also be available to protect speeding emergency traffic. Contrary to the usual practice of traffic direction, a better position during a blackout is at the side of the road, rather than in the center of the intersection.





The auxiliary remains in the open during the raid but should take some kind of shelter when bombs, planes, or fragments of ack-ack are falling nearby, or when under direct strafing (machine-gunning) from a plane. When the immediate danger is over he returns to his post and does not leave until relieved by a superior officer in his chain of command.

He should make the control of traffic at his post his primary responsibility and consider the enforcement of other ARP regulations secondary to the task to which he has been assigned. For example, he should not stray from his station to get lights extinguished half-way down the block.

#### D. AFTER THE ALL CLEAR

Traffic problems will be acute when the all clear signal sounds. The police patrols and air raid wardens are moving during the raid and should have located the major points of damage by the time the all clear is sounded. Before the all clear sounds, if possible, the police department should have laid out plans to detour traffic around danger zones. The location of these detours should be reported to the auxiliary toward the end of the raid.

The movement of troops, emergency vehicles and equipment, and demolition or decontamination squads takes precedence when traffic is permitted to resume. When the all clear signal sounds there will be an immediate rush to start vehicles. Excitement and fear during the raid will be transformed into worry and anxiety.. This will make the job of control doubly difficult because each person will be pushing to get away to find out if their family or friends have been injured. This rush must be controlled at the source or serious problems of congestion will occur at centers of high traffic density.

Resumption of traffic should be governed by these principles:

##### 1. Emergency Vehicles

Maintain a sufficient interval after the all clear to permit emergency vehicles to pass. This interval may vary from one minute to five or even more, depending on the extent, nature, and location of the damage from the raid.

##### 2. Detours

Pass the word to all drivers about temporary detours which may have just been established in the vicinity because of the damage done in the raid.

##### 3. Gradual resumption

The auxiliary must exert strict control over the return of parked vehicles to the highway. These vehicles should be fed into the stream of moving traffic a few at a time. Never under any circumstances should all stopped vehicles be allowed to start off at one time immediately after the all clear.





RELATIONS WITH THE PUBLICTHE PUBLIC AND THE POLICE

The police, to be successful, must have the support of the public. The police force of any municipality must establish a reputation engendering fear and respect in the criminal element, while at the same time, avoiding any vestige of fear in the minds of the law-abiding public. In order to achieve these two purposes, it is necessary to establish a reputation for truth, honesty and efficiency. The criminal element is constantly striving to cast suspicion on the police, by attempted bribery, by spreading false stories and by countless other devices. To counteract this, the police force must do more than an effective job of preserving public order. The police must also perform their work in a manner deliberately calculated to create a favorable impression in the minds of the public.

There is no ideal type of policeman. An ideal police force, composed of physically perfect and super-efficient individuals, does not exist. That ideal can be approached by any police department if the individuals who compose it perform their duties assiduously, honestly, and with a genuine understanding of human nature.

The Auxiliary Police can do much to influence the relationship of police and public.

APPEARANCE IN PUBLIC

Each officer should understand that every person whom he meets bases his opinion of the entire police force upon his reaction to him as an individual. For this reason, the officer should pay close attention to his appearance, his attitude, his conversation and his actions.

An officer is a marked man; his uniform and position make him so. His appearance, both in dress and demeanor, will reflect credit or discredit on the entire department. In dress, he can never be too neat and presentable. His uniform should be kept neat and never be allowed to become stained and wrinkled. Personal cleanliness is also important.

ATTITUDE

The mental attitude of an officer is just as important as his physical appearance. He should always maintain a friendly attitude that reflects his willingness to serve. Keeping in mind that he is a public employe, he must never appear officious. His mind must be open.

Police work is serious business. Therefore, his demeanor should be serious on most occasions. However, this should be controlled by the demands of the occasion. At a tragedy, kind and sympathetic words are in order, while on duty with a pleasure seeking group, a pleasant and affable smile is appropriate. Keeping a crowd quiet may require a soothing tone, with no show of nervousness or anxiety, while moving traffic rapidly needs sharp, quick movements and a snappy, yet pleasant tone of voice. Efficiency is heightened when the public believes that an officer is fulfilling his duties in a manner commensurate with the demands of the occasion.

Self-control is required before the public. No officer can control others until he has learned to control himself. There seems to be a medium whereby the public instinctively recognizes self-control or the lack of it. Self-control is the ability to keep the mind and body in order.

The fear of death is the basis of all cowardice. The officer who has overcome this fear of death has a better chance of fulfilling his duty in the times of danger.





## ARRESTS IN PUBLIC

Many arrests are made in public. The public has an inborn sympathy with the person being arrested, for he appears to be the underdog. Do nothing to cause this natural sympathy to turn into antagonism toward the police.

The best arrest is one made so inconspicuously that bystanders do not even recognize that an arrest has been made. The arrest must be made quietly. No conversation on the part of the officer is necessary to effect the arrest, except a firm, formal announcement of arrest and calmly modulated answers to questions asked. Above all, there should be no argument with the arrestee about his innocence or guilt. It is well, however, and often very advisable, to allow him to talk freely on the chance that he may reveal evidence. Often a reassurance as to his legal rights and bit of sympathy will do wonders in this direction. He should not be paraded before the public, and, of course, regardless of the crime with which he is charged, he should be protected from public violence.

## MOTIVES

Motives are causes of crime. The main or general motives and causes are malice, avarice, lust, and negligence. The officer who wishes to maintain good public relations must not allow any of these motives to creep into his work, especially during a prosecution and arrest.

When malice enters into the policeman's work, personal retaliations may occur against the offender. Avarice may cause the policeman to take things he is not entitled to. The police officer has many opportunities of beholding the immoral and obscene and even perfectly moral conditions that are sexually spicy. If lust enters into his work during any such duty, bad public relations will develop.

Negligence is neglect of duty and cannot be tolerated. An officer is on safe ground when he considers only the evidence as it actually is, and not through his own eyes or those of witnesses who are affected by malice, avarice, lust or negligence.

## TRAINING

Training promotes efficiency. Efficiency creates respect. The well-trained officer commands more respect in public. The poorly-trained officer may radiate inefficiency and command no respect. Therefore, each officer should be trained. The training should be given in classroom and practiced, so that the things taught in the classroom may be performed efficiently in the field. For example, if a student studies the pressure points for stopping bleeding, but does not practice finding these points, he may fumble when trying to apply pressure when needed in the field. The training should be so well applied that a person can go through the mechanical acts efficiently under great stress, and allow the intelligence freedom to cope with the unpredictable things which arise for which no previous training can be given.





RELATIONS WITH THE PUBLIC**CROWDS**

The public relations problems of the police are intensified in the handling of crowds. Crowds are collections of human beings who, because of the very fact that they are assembled together, seem to undergo some peculiar psychological transformation, making them particularly susceptible to concerted thinking, to suggestions of action, which they as individuals, would never dream of undertaking. Fortunately, at the same time, they are also just as susceptible to other suggestions.

In ordinary crowds, of course, the persons composing them are simply making use of their constitutional rights to freedom of assembly and speech, regardless of whether they have quickly assembled to gape at an accident, or have come together at a set time for a political rally. In dealing with crowds the police must take into account the reasons for the assembly and its tenor or state of mind.

The policeman should study the constitutional rights of freedom of assembly, free speech and all other rights in order better to understand police duties in the handling of crowds.

**PREARRANGED ASSEMBLIES**

The police are usually advised in advance of this type of crowd. From the standpoint of public relations, it is important to make detailed plans in advance for routing and directing traffic, and for otherwise handling the crowd. The public is always impressed by well-thought-out, efficient handling of crowds of this type. The pleasure-seeking crowd naturally is bent on having a good time. A good time usually includes the desire to have or see a little excitement, and, for that reason there is liable to be sudden trouble, followed by a rush to the trouble zone.

Police policy should be to help the crowd enjoy itself in harmless ways. An unreasonable traffic delay, or a rude remark by a policeman, may cause such reactions as to spoil the pleasure and turn the crowd into a hostile one. Especially when the crowd is leaving, the police should be good natured, tolerant and self-controlled, for it is human nature to be grouchy after the fun is over and fatigue sets in.

**SUDDEN UNPLANNED ASSEMBLIES**

A crowd may assemble quickly to watch an interesting advertisement, an auto accident, or many other situations or incidents in which normal curiosity is aroused. A crowd of this type presents only a temporary problem for the police, frequently a traffic problem. However, curiosity is a strong instinct, and a crowd of this nature though not dangerous, is very critical. Its temper depends largely upon the cause of the inconveniences. A police officer must practice self-control, and, while performing his duties, he should not allow any emotions, especially anger or excitement, to be discernible on his face or apparent in his actions.

Dispersing this type of crowd is seldom advisable; normally, it will break up quickly when interest subsides or its source is removed. However, it may be necessary to require those nearest the point of interest to step back. Force should seldom be used in doing this, for it is only natural for people not to respond immediately when ordered back. A little time, with gentle but firm insistence, is all that is necessary.





## PANIC

Panic is a contagious emotion usually caused by fear. It is an explosion of human beings, and their movements generate tremendous physical force. This fear may be real or imaginary. A crowd in panic usually stampedes. The force generated by such a stampede is virtually impossible to control because panic usually comes very suddenly and is over before sufficient police may be mobilized.

A panic-stricken crowd will usually expend its force in all directions or in any direction away from the cause. A crowd stampeded in panic is seldom an unlawful assembly, although the cause of panic may be unlawful. The effect of a collision between groups of panic-stricken people with any obstruction may be fatal to many. It is, therefore, not wise to attempt to stop a stampeded crowd. They should be diverted to avenues of escape. The crush of a panic is tremendous at avenues of escape and any precaution taken to delay or distract a stampeded crowd into the avenues of escape is very good. However, all exits and other avenues of escape should be open.

Panic may be avoided by proper preventive action. It can be prevented by early recognition and prompt removal of the cause of panic, if the cause is evident. Sometimes, the beginning of a stampede may be delayed or even stopped by removal of the cause.

In preparing for the handling of crowds, the police official should include in his plans the handling of groups in panic stampedes. Calmness by the police or officials of the gathering will prevent panic. Excitable actions increase the panic which calm firmness alleviates.

## RIOTS

Riots may arise from any cause whether it be labor, religion, personal rivalry, general lawlessness, or other causes.

To constitute a riot three or more persons with a common purpose must have assembled to assist each other, mutually, against any who should oppose them in the execution, or attempted execution, of their purpose, with violence and force, to alarm a person having reasonable courage. Actual rioting is easy to recognize.

Rioting may arise without apparent cause, such as when a condition incites a group of people to violence. It may be a planned affair which one group uses in an attempt to gain its end, or in which one group meets opposition from another in carrying out its plans. It may be spontaneous when some condition arises to inflame three or more persons to acts of violence. Whatever the cause, which must be investigated later, the immediate duty of the police is to suppress the riot by arresting the participants. It cannot be stressed too strongly that the purpose of the police is not to use sufficient physical force to overcome the riot, but only enough force to arrest the rioters and prevent further rioting.

## DISPERSING A RIOTOUS CROWD

If a crowd, as a whole, is engaged in a riot, its members are equally guilty and all, even the bystanders, can be arrested. If certain individuals in the crowd have committed some other crime, they should be arrested as individuals for the specific crime. A crowd which organizes to prevent the police from making these arrests is an unlawful assembly, and its members can be arrested as members of such. If they act in a concerted manner with force to repel the police, it becomes a riot.

However, there are many times when a crowd should be allowed to disperse, without making arrests, in order to preserve the peace and, in many cases to prevent danger to them. A crowd should not be dispersed by force when the primary intention is only to scatter them. First, warn them to disperse and give them a sufficient length of time to think it over and comply. They have redress in the courts for any violation of





their civil rights which may suffer by such an order. They cannot legally resist such order by force. Those who remain after an order to disperse is given, can safely be assumed to be resisting the police, if they continue to riot. An order to disperse should never be given until there is evidence of an unlawful assembly. After those, who are members, are fully warned that such an assembly is unlawful, it may be necessary for the police to arrest them, if they do not disperse. Announce that they are under arrest for rioting and further resistance will be another charge of resisting arrest.

#### AFTER THE RIOT

After a riot has been quelled, the immediate duty of the police is to take steps to prevent repetition. This may mean removing, wherever possible, the conditions which caused it. Where the cause of the friction can be readily adjusted by the police on the spot, it should be done, immediately. Causes may be so deep-rooted that this is impossible. A patrol of police should be maintained at the place until quiet has been permanently restored. This patrol should **prevent** assemblies that could ripen into rioting again. Those arrested for rioting should be transported to jail, or other places of security, immediately, and the prosecution procedure started. Frequently, some question of violation of civil rights arises. The arrested person making such claims should be given all the benefits to which he is entitled, at the earliest moment possible.

An investigation should be begun to secure evidence of rioting, fix responsibility, secure witnesses and prepare the case for prosecution in the same manner as in any other case. The investigation should include statements of those arrested before they are released. It is important that witnesses other than the police be interviewed.

Any injured in the riot should be given first aid as soon as possible, either during or after the riot, and then be removed to a place where they can receive medical attention.



SUBVERSIVE ACTIVITIES

Wars and rumors of wars bring out a great deal of activity roughly classed as subversive. This activity is the effort of those sympathizing with a warring nation to defeat or harass the enemy. Subversive activity may take many forms, from mere neglect of duty to planned crimes and treason to aid the enemy. Such activity, if carried out by an American against the enemies of the United States might be classed as heroic. When it is detrimental to the interests of the United States or is of a criminal nature, its control or elimination becomes a function of the police. New names have appeared covering these activities, such as sabotage and fifth-column work. To make investigations of such activities is a police duty, for they are frequently criminal in nature.

Naturally, the police must be certain that foreign agents are not members within their own ranks. However, the mere fact that a person is in sympathy with one of the warring nations does not necessarily make him a foreign agent, even though the country he favors is not the one favored by most Americans.

There is a tendency to view these offenses as involving some new and strange techniques of investigation, unfamiliar to the average police officer. Such is not the case. The criminal code does not change because of a foreign war, and violations should be prosecuted in the same manner as before. The customary methods of criminal investigation are still applied. Establish the Corpus Delicti of the crime. Secure evidence to prove that some individual is responsible. Make the arrest and carry the procedure through court in the usual manner. The rules of evidence still apply; hearsay and suspicions are not admitted in court, although they may furnish clues to real evidence. One exception will be the suspect who is in military service. He will be prosecuted by his service under military law.

Local, State and Federal police are swamped with investigations of suspicious characters. The local police, who know the individuals best, can cooperate to a great extent by eliminating the unsound cases. However, if investigations of suspicious characters are made and there is foundation for charges of a criminal nature, the suspicious person should be arrested. All evidence should be filed with the F.B.I. and State Police, even though no arrest is made.

Positive evidence will warrant prosecution. Circumstantial evidence may be used just as in any other case. Memberships in certain organizations or resignations from them may show a trend, or a tendency. The business associates of a suspect, his oral declarations, contents of his mail, pamphlets, newspapers, etc., can establish leads that may later develop into real evidence. As in all criminal procedure, before an arrest is made, it must be shown that the suspect has violated a law, but the lack of such evidence need not prevent the police from gathering and filing all the available information about the suspected person.

Practically all subversive activities are covered by existing Federal and State statutory laws. Methods of investigation will be the same as those used in the investigation of any other similar crime, not classed as subversive. Sabotage may take the form of malicious mischief, arson, illegal use of explosives or firearms, forgery, theft, even assault and murder, or some event having the appearance of an accident. Sabotage may occur as an apparently justifiable strike or a slowing up of production.

The police must study the Pennsylvania Sedition Law thoroughly and the cases which have arisen under it. These activities may be investigated as sedition or, in time of war, as treason in conjunction with other crimes. Sedition is broad and covers many present defense situations. It has not been used extensively in peace time because the courts have zealously guarded civil liberties. Sedition has special significance in times like the present.







THE PLACE OF SELF-DEFENSE METHODS IN POLICE WORK

The purpose of learning self-defense methods is to enable the police officer to conduct himself in emergencies in a manner less dangerous both to himself and to the public.

THE UNTRAINED OFFICER

The untrained man tends to use his weapons too soon. He uses force and weapons with greater viciousness than does the trained man, and yet he does not use them as effectively. Most of the apparent cruelty of police work derives from men who do not know how to use their weapons and their hands. They are frantic and desperate in an encounter and do not know how far to go, nor when to quit.

THE TRAINED OFFICER

The policeman trained in self-defense methods can defend himself and others without inflicting the grievous damage that the untrained man does. When necessary, he can subdue his opponent in very short order. Of course, it cannot be guaranteed that the trained officer will always win. He may have as an opponent a person who is also trained, one who is physically much stronger than himself, or one who may get a lucky break. But the trained man certainly has an advantage over the untrained opponent and has at least an even chance with the trained opponent. He should be able to win the great majority of encounters. He should not be frightened by blows, falls, pressure, and pain which terrify one unaccustomed to them.

It is hoped that careful study, practice, and mastery of self-defense methods will be followed by their intelligent application. It may thus be that some officer will be saved from inflicting serious injury or death upon a person he is about to arrest. There have been cases in which persons have been shot by policemen when they are merely reaching in their pockets for a handkerchief but the policeman assumed they were reaching for a gun. In many of these cases a good jiu-jitsu hold might have saved the suspect and avoided a manslaughter charge against the police officer. The results of the untrained man's acting hastily and in fear are tragic only too often.

TRAIN TO THE POINT OF AUTOMATIC REACTION

A person who merely reads a book on self-defense will not thereby be adept at it. He may learn a little that is useful, but in order to realize its full value, he must practice until the different movements become second nature. His actions must become subconscious. A fighter in a rapid encounter has little chance to plan his blows or his defense. He must be able to act automatically, to go into the various holds instantaneously. To that end it is also advised that practice in self-defense methods be continued regularly, even after the completion of the course.

KEEP LIMBERED UP

The time and space allotted for auxiliary police training allows little training in Self-Defense. It is recommended that each Auxilliary Policeman spend some of his spare time in physical exercises such as boxing, wrestling, or jui-jitsu.

The weapons the Auxiliary Policeman will use if necessary are those which are readily accessible. They are, first, the weapons supplied by nature, the hands and fists, the elbow or knee, the feet and head.

When approaching any person where there is a likelihood of physical resistance, go into a boxer's position, one foot forward with the weight balanced on both feet, ready to move forward or back quickly, and always facing the opponent. One hand or fist is extended to the front to jab or guard, and the other hand cocked near the body, ready to punch or defend against a blow.



The weapons most readily obtainable will be some form of club. Only in rare, desperate instances should it be used as a club. The thrust, as a fencer uses it, is more effective and humane.

The club extended in front in the fencer's position is a good defensive position. On the offense, however, the club should be held in a boxer's position in one hand, near the body, with the other hand extended in front, the point of the club about parallel with the defending hand.

Shields should be employed wherever possible. They are such things as garbage-can covers, chairs, or any other thing that can be placed between the body and the assailant.

Take cover immediately, if fired upon with firearms.









